



LEGISLATIVE UPDATE

April 3, 2015

This was yet another blitzing week in Raleigh as the April 8 House bill-filing deadline approaches for non-appropriation/finance bills. There were droves of education-related legislation filed, as noted in the following pages. This week also brought a flurry of bills moving through committees and to the House and Senate floors for votes. It was a hotbed of activity with legislation moving at a quickened pace as legislators prepare for their “spring break” next week when no committee work or substantive votes are currently scheduled.

The House Education Appropriations Committee held its first solo meeting to discuss direction on the House’s proposed education budget for the biennium (2015-2017). Chairmen indicated that they would have their ‘budget target’ within the next two weeks. This target is the House’s prescribed amount of money that it plans to spend on education portions of the budget. This is the first major step in the budget process with the House going first this year, and then sending its budget to the Senate.

Of particular interest to many, [HB 557 Charter School Funds](#) was one of many bills filed this week. This bill would significantly change parameters of the 2010 law that provides for “Fund 8.” It would require monies in Fund 8 to be part of the local current expense fund. The only exceptions would be for prekindergarten funds, JROTC program funds, donor gifts or grants for specific use, and federal grants for restricted use. Additionally, the bill would require supplemental taxes to be shared with charter schools located outside the tax district in which the students reside unless the language on the ballot authorizing the levy of said tax approved by voters specified that the supplemental taxes were only available to students residing in and attending charter schools located in that specific tax district and the ballot was voted on by the voters before July 1, 2015. Public school funding experts will be weighing in on this bill from every angle.

Relevant Bills in Committee This Week:

[HB 255](#) Building Code Regulatory Reform

On Tuesday, the House Committee on Regulatory Reform amended and approved HB 255 and it is now referred to the House Committee on Finance. It could potentially involve school construction. The bill would conform work in progress inspection authority to recently enacted inspection limitations in G.S. 153A-352(b) and G.S. 160A-412(b). It would require the NC Building Code Council to study alternative approval methods, and the bill clarifies the definition of “official misconduct for code officials.” The bill would require Building Code Council decisions to be posted on the NC Department of Insurance website within three days of issuance. Inspection fees collected by cities and counties would only be able to be used in support of the inspection department. Finally, it would require

inspections to be performed in full in a timely matter and inspection reports to include all items failing to meet code requirements.

[HB 282](#) Streamline Seized Vehicle Disposal (DOA Agency Bill)

On Tuesday, the House Committee on Regulatory Reform approved HB 282 and referred it to the House Committee on Finance. The bill would transfer responsibility from DPI to the Department of Administration, State Surplus Property Agency, to hold and sell motor vehicles seized for offenses involving impaired driving (while a license is revoked or without a license and insurance) and for felony speeding to elude arrest, pursuant to G.S. 20-28.3. Under certain circumstances, proceeds from the sale of these vehicles go to the schools in the county where the vehicle was seized.

The bill would also authorize State Surplus or a county board of education to sell a seized motor vehicle at any time with the consent of the owner regardless of the fair market value of the vehicle. Currently, the required value must be at least \$1,500. The bill would repeal a provision that directs DPI to assess certain administrative fees that are paid into the General Fund.

[HB 358](#) School Performance Grade Scale

On Tuesday, the House Committee on Education/K-12 approved HB 358 and the House passed the bill. It is now assigned to the Senate Committee on Education/Higher Education. The bill would extend the fifteen-point scale for the School Performance Grades formula for school years 2014-2015 and 2015-2016. The total school performance score would still be converted to a 100-point scale, and the following scale would be in effect for the next two years:

- A = 85 – 100
- B = 70 – 84
- C = 55 – 69
- D = 40 – 54
- F = 0 – 40

[HB 364](#) Clarify Laws on Executive Orders and Appointments

On Tuesday, the House Committee on Rules, Calendar, and Operations approved HB 364. On Wednesday, the House passed the bill, and it is now assigned to the Senate Committee on Rules and Operations. Regarding education, this bill would remove the appointment of legislators by the House and Senate to the North Carolina Longitudinal Data System Board and require that those appointments and the Governor's appointment be members of the public. It would add this Board to a list of various boards and commissions to which no legislators may be appointed. This bill is an effort to remedy certain boards and commissions in light of court rulings about appointments to the same.

[SB 279](#) Amend Qualifications/Practice of Counseling

On Wednesday, the Senate Committee on Education/Higher Education approved SB 279. On Thursday, the Senate amended and passed the bill. It will now go to the House. State law requires the NC Board of Licensed Professional Counselors to issue licenses for the practice

of counseling. Licensed counselors in North Carolina must attain their degree from a college or university program that is accredited strictly at the regional level. As amended on the Senate floor, this bill would require the Board to issue a license for "licensed professional counselor associates" upon completing a specified minimum number of credit hours of training, including a master's degree in counseling or related field from an institution of higher education that is either regionally accredited or accredited by an organization recognized by the Council for Higher Education Accreditation. The bill sets out hours of training requirements that a licensure applicant must meet, according to when an applicant enrolled in the graduate program. The NC Counselors Association is watching this bill carefully.

[SB 298](#) School Bus Cameras/Civil Penalties

On Wednesday, the Senate Committee on Education/Higher Education amended and approved SB 298, and referred it to the Senate Committee on Judiciary II. As amended, the bill would allow counties to adopt an ordinance for the civil enforcement of passing a stopped and properly marked school bus by means of an automated school bus safety camera installed and operated on any school bus located within that county. A violation of the ordinance would be noncriminal, but a civil penalty of \$500.00 would be assessed. School buses outfitted with a safety camera must be identified by appropriate, conspicuously-posted warning signs consistent with a statewide standard to be adopted by the SBE in conjunction with local boards that use such cameras on their school buses.

Local boards of education located in those counties adopting the ordinance may enter into a contract to install and operate cameras with a private vendor, but are not required to do so. If so, such contracts must be in compliance with State Purchasing and Contract laws and cannot exceed three years. The SBE would be required to develop a model contract. If requested by one or more local boards, the SBE would also be required to enter into a contract for statewide or regional services to install and operate the cameras with a private vendor. Likewise, said contract(s) must be in compliance with State Purchasing and Contract laws and cannot exceed three years. Local boards of education and county commissioners may also enter into inter-local agreements to procure safety cameras and services.

Photographs and videos that capture a violation must be provided to law enforcement. The NC Administrative Offices of the Courts would annually report to the NC Child Fatality Task Force and the General Assembly on the number of offenses, charges, and convictions. Counties that adopt the ordinance must maintain records of all violations for which a civil penalty is assessed and provide records upon request from the NC Child Fatality Task Force and General Assembly.

[SB 315](#) School Playgrounds Available to Public

On Wednesday, the Senate Committee on Education/Higher Education amended and approved SB 315. On Thursday, the Senate passed the bill, and it will now go to the House. As amended, the bill would authorize local boards of education to make outdoor school property available to the public for recreational purposes, subject to the terms and conditions each board deems appropriate, so long as the property is not being used for

school purposes and the use is consistent with proper preservation and care of the school property. Liability would not attach to any board of education or individual board members for personal injury suffered by use of such school property.

Relevant Bills on the Floor This Week:

SB 14 Academic Standards/Rules Review/Coal Ash/Funds

On Monday, the Senate approved the compromise version of SB 14 and it is now on the Governor's desk. The negotiated bill will require DPI to transfer \$50,000 from available funds to the Office of Administrative Hearings for its defense costs associated with the declaratory judgment action, *North Carolina State Board of Education v. The State of North Carolina and the Rules Review Commission*. Also, the bill will require DPI to transfer \$275,000 from its current operating budget to the Department of Administration to support operations of the Academic Standards Review Commission (ASRC) in its review of the NC Standard Course of Study for English Language Arts and Mathematics.

Relevant Bills with Action This Week:

HB 86 Utility Line Relocation/School Board (McNeill, Hurley, Shepard)

- Favorable report from the House Transportation Committee
- Re-referred to the House Committee on Appropriations

HB 110 Cherokee/Rutherford Boards of Education Elections (West)

- Passed the House on Tuesday, March 31
- Referred to the Senate Committee on State and Local Government

HB 111 Stanly County Board of Education Recall (Burr)

- Passed the House on Tuesday, March 31
- Referred to the Committee on Rules and Operations of the Senate

HB 112 Stanly County Board of Education Election Method (Burr)

- Passed the House on Tuesday, March 31
- Referred to the Committee on Rules and Operations of the Senate

HB 189 Rockingham County School Board (Jones, Holloway)

- Passed the House on Tuesday, March 31
- Referred to the Senate Committee on State and Local Government

HB 255 (**SB 324**) Building Code Regulatory Reform (Brody, Riddell, Cotham, Watford)

- Withdrawn from the House Calendar
- Re-referred to the House Committee on Finance

HB 274 Retirement Technical Corrections Act of 2015 (Gill, L. Bell, Elmore, Waddell)

- Passed the House on Tuesday, March 31
- Referred to the Senate Committee on Pensions & Retirement and Aging

HB 282 Streamline Seized Vehicle Disposal (Cleveland, R. Brown, Riddell)

- Favorable report from the House Committee on Regulatory Reform
- Re-referred to the House Committee on Finance

- [HB 358](#) ([SB 450](#)) School Performance Grade Scale (L. Johnson, Horn, Holloway, Elmore)
- Passed the House on Tuesday, March 31
 - Referred to the Senate Committee on Education/Higher Education
- [HB 364](#) ([SB 514](#)) Clarify Laws on Executive Orders and Appointments (Lewis)
- Favorable report from the Committee on Rules, Calendar, and Operations of the House
 - Passed the House on Wednesday, April 1
- [HB 368](#) Improve the A-F Grading System (Cotham)
- Referred to the House Committee on Education – K-12
- [HB 380](#) Statewide School Safety Management (Holloway, Glazier, Blackwell, Faircloth)
- Referred to the House Committee on Education – K-12, if favorable, Appropriations
- [HB 387](#) School Calendar Flexibility/ Certain Counties (Jordan)
- Referred to the House Committee on Education K-12
- [HB 390](#) Beaufort Co. Community College/Washington County (Tine)
- Referred to the House Committee on Education – Community Colleges
- [HB 394](#) ([SB 246](#)) Increase Options for Local Options Sales Tax (Goodman, Waddell, Pierce, C. Graham)
- Referred to the House Committee on Finance
- [HB 396](#) Community College Pilot Program (Tine, Bryan, Horn, Waddell)
- Referred to the Committee on Education – Community Colleges, if favorable, Appropriations
- [HB 420](#) Students with Dyslexia and Dyscalculia (Conrad, Lambeth)
- Referred to the House Committee on Education – K-12
- [HB 427](#) Repeal Partisan Election/Lee Co. Board of Education/Sanford (Salmon, Reives)
- Referred to the House Committee on Elections, if favorable, Local Government, if favorable, Rules, Calendar, and Operations of the House
- [HB 428](#) ([SB 438](#)) Permanent Plates/Charter Schools (Riddell, Jones, Conrad, Hardister)
- Referred to the House Committee on Transportation, if favorable, Finance
- [HB 424](#) Fostering Success (Stevens, Glazier)
- Referred to the House Committee on Judiciary II
- [HB 425](#) South Caldwell High School Special Plate (Robinson)
- Referred to the Committee on Rules, Calendar, and Operations of the House
- [HB 431](#) Inclement Weather/Certain School Systems (Dobson, Jordan)
- Referred to the House Committee on Education – K-12
- [HB 432](#) Counties/Internet Infrastructure (Dobson, Setzer, Jones, Holloway)
- Referred to the House Committee on Local Government, if favorable, Public Utilities, if favorable Finance
- [HB 439](#) ([SB 530](#)) Competency-Based Assessments (S. Martin, Horn, Bryan)
- Filed
- [HB 442](#) School Calendar Flexibility/Durham County (Luebke, Michaux, L. Hall, Meyer)
- Filed
- [HB 443](#) ([SB 612](#)) Nondiscrimination in Public Employment (Luebke, Cotham, Glazier, Willingham)
- Filed

- [HB 447](#) Dropout Prevention and Recovery Pilot Expansion (Yarborough, Stam, Brockman, Bumgardner)
- Filed
- [HB 450](#) ([SB 662](#)) Appropriate Funds for Tobacco Use Prevention (Adcock, Lambeth, Pendleton, Meyer)
- Filed
- [HB 451](#) LRC/Study Suicide Prevention (Cunningham, Horn, Earle, Whitmire)
- Filed
- [HB 461](#) Guilford/Alamance County Line (Faircloth)
- Filed
- [HB 468](#) Special Education Charter Pilot (Pendleton, Stam, Faircloth, Bradford)
- Filed
- [HB 473](#) After-School Grants/21st Century Learning (Dobson, Whitmire, Hardister, B. Turner)
- Filed
- [HB 474](#) Health Out-of-School Recognition Program (Dobson, Whitmire, Hardister, B. Turner)
- Filed
- [HR 480](#) Amend Temp Rules-Deadline/Bill Limit (Lewis)
- Filed
- [HR 481](#) House Permanent Rules-Final (Lewis)
- Filed
- [HB 484](#) Home Schoolers Participate in School Sports (Cleveland, Dobson, McElraft, Yarborough)
- Filed
- [HB 485](#) Home Schoolers Participate in School Sports (Cleveland)
- Filed
- [HB 489](#) Increase School Bus Safety (R. Johnson)
- Filed
- [HB 495](#) OSHR Modernization/Technical Changes (Collins)
- Filed
- [HB 499](#) Study/Public Records and Open Meetings (Collins, L. Hall, Hamilton, Blust)
- Filed
- [HB 500](#) Funding for Wilson and Pitt Cooperative Innovative High Schools (S. Martin, B. Brown, Farmer-Butterfield)
- Filed
- [HB 557](#) Charter School Funds (Yarborough, Stam)
- Filed
- [HB 559](#) Testing Feedback for Students/Teachers (Whitmire, Lucas, Riddell, Elmore)
- Filed
- [HB 561](#) School System Authority Re: Legal Proceedings (Blackwell, Glazier)
- Filed
- [HB 568](#) Transforming Poverty Schools Pilot Program (Cotham)
- Filed

- [HB 569](#) Rural County Development Funds for Road Construction (Steinburg)
• Filed
- [HB 572](#) Study High School Interscholastic Athletics (Whitmire, Blackwell, Dobson, Ford)
• Filed
- [HB 573](#) Restore Meaningful Financial Flexibility for LEAs (Meyer, Langdon, Glazier, Holloway)
• Filed
- [SB 6](#) State Health Plan/Rehired Retiree Eligibility (Tillman, Barefoot)
• Referred to the House Committee on State Personnel, if favorable Appropriations
- [SB 14](#) Academic Standards/Rules Review/Coal Ash/Funds (Brown, Harrington, Jackson)
• Conference report adopted by the House and Senate
• Ordered enrolled
- [SB 176](#) Charter School Grade Level Expansion (Rabin)
• Referred to the House Committee on Education – K-12
- [SB 279](#) Amend Qualifications/Practice of Counseling (Barefoot)
• Passed the House on Thursday, April 2
- [SB 315](#) School Playgrounds Available to Public (Pate, Tillman, Van Duyn)
• Passed the Senate on Thursday, April 2
- [SB 400](#) Encourage Access to Boy Scouts/Girl Scouts (Barringer, Daniel, Newton)
• Withdrawn from the Committee on Rules and Operations of the Senate
• Re-referred to the Senate Committee on Education/Higher Education
- [SB 409](#) Need-Based Scholars/Private Colleges (Davis, Pate)
• Withdrawn from the Committee on Rules and Operations of the Senate
• Re-referred to the Senate Committee on Appropriations/Base Budget
- [SB 418](#) Amend Statutory Rape/15 Years Old or Younger (Jackson, Daniel, Bingham)
• Withdrawn from the Committee on Rules and Operations of the Senate
• Re-referred to the Senate Committee on Judiciary II
- [SB 419](#) Limit Revolving Door Employment (Hise)
• Withdrawn from the Committee on Rules and Operations of the Senate
• Re-referred to the Senate Committee on State and Local Government
- [SB 427](#) NC-Thinks/Awards Allocation Changes (Brock)
• Withdrawn from the Committee on Rules and Operations of the Senate
• Re-referred to the Senate Committee on Appropriations/Base Budget
- [SB 494](#) Student Attendance Recognition (Davis, Tillman, Soucek)
• Referred to the Committee on Rules and Operations of the Senate
- [SB 510](#) NCVPS/Equal Access to Education (Lee, Krawiec, Clark)
• Referred to the Committee on Rules and Operations of the Senate
- [SB 513](#) North Carolina Farm Act of 2015 (Brock, Jackson)
• Referred to the Committee on Rules and Operations of the Senate
- [SB 515](#) Driver Education Funding (Smith-Ingram)
• Withdrawn from the Committee on Rules and Operations of the Senate
• Re-referred to the Senate Committee on Appropriations/Base Budget

- [SB 517](#) Teachers/Isolated K-12 Schools (Davis)
- Withdrawn from the Committee on Rules and Operations of the Senate
 - Re-referred to the Senate Committee on Appropriations/Base Budget, if favorable Education/Higher Education
- [SB 523](#) Avoid Double Billing of State Taxpayers (Curtis, Tucker, Apodaca)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 524](#) Founding Principles/Graduation Requirement (Curtis, Soucek)
- Referred to the Senate Committee on Education/Higher Education
- [SB 530](#) Competency-Based Assessments (Soucek)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 531](#) Study Need for Pulse Oximeters in Schools (Jackson)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 534](#) Study Student Online Data Privacy (Barefoot)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 535](#) NC Works Career Coaches (Barefoot)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 536](#) Students Know Before You Go (Barefoot)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 538](#) NCWorks/Enhance Workforce Development (Barefoot)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 544](#) Requirements-Based Workforce Development (Rabin, Curtis)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 551](#) Out of School Services (Daniel, Gunn)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 553](#) Public Records/Access for NC Citizens (Daniel)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 554](#) School Building Leasing Reform (Meredith)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 555](#) Student Reading Act (Tillman, Stein)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 561](#) Remediation-Free High School Graduates (Barefoot, Rucho)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 565](#) No Revolving Door Employments (Tarte)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 575](#) NC/SC Original Boarder Confirmation (Tucker)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 584](#) Poverty Task Force (Davis, Lowe, Smith-Ingram)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 594](#) Teach for North Carolina Pilot Program (McInnis)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 595](#) School Safety Act (McInnis)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 597](#) Education Statutes Revision (Tillman, Soucek, Curtis)
- Referred to the Committee on Rules and Operations of the Senate

- [SB 601](#) Student Data Protection Act (Stein)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 602](#) Construction Amendment Reserve Lottery Funds Pre-K (Stein)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 603](#) NC Accountability (Stein, Jackson)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 604](#) Women and Children’s Protection Act of 2015 (Randleman, Krawiec, Daniel)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 608](#) Simple and Fair Formula for Sales Tax Distribution (Rucho)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 612](#) Nondiscrimination in Public Employment (Van Duyn, Smith-Ingram)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 618](#) Modify OSBM Fiscal Analysis: Existing Rule (Wade)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 624](#) Private Schools/Firearms Amendments (Bingnam)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 631](#) Eliminate Annual Training Required School Boards (Brock)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 633](#) State and Local Government Transparency Act (Brock)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 636](#) Consolidate State Offices/Digital Docs Required (Tarte, Brock)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 640](#) School Nurses/LRC Study (Tarte)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 649](#) Access to Sports/Extracurricular For All Students (Sanderson, Brock, Hise)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 657](#) Charter Schools/Higher Education/LRC Study (Lee)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 669](#) Homeless Youth Obtaining Housing/LRC Study (Apodaca)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 672](#) LRC Study/Local Boards of Education (Apodaca)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 676](#) Autism Health Insurance Coverage (Apodaca)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 677](#) Youth Development Fund (Rabin, Sanderson)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 690](#) LRC Study School Districts Restructure/Open Enrollment (Hartsell)
- Referred to the Committee on Rules and Operations of the Senate

Meetings April 6 – April 10:

No meetings currently scheduled.

Meetings April 13 – April 17:

Tuesday, April 14

- 10:00 AM House Education/K-12, 643 LOB
 - HB 162 Sudden Cardiac Arrest Prevention/Students
 - HB 237 Repeal Personal Ed Plans/ Trans Teams & Plans
 - HB 380 Statewide School Safety Management

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